App. F. IX-4

Previous References

1934. (Apls.)

File No. 17-34

Serial Nos. /

Later References.

PRESERVED

(3)

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. One

Part B for Apl 34

SUBJECT.

Proceedings of the Govt. of Madras Law (General Depart.) no. 1741 dt 7.6.34. re Amendment to Motor Vehicles Rules.

/

WD 01965—GPB—15,000—7-7-34

M. Abdul Aziz
17.8.34.

111/34 & Poc. 168/

THE OFFICE OF THE HON'BLE THE RESIDENT IN MYSORE,

Bangalore, the 3rd August 1934.

No. F.475-1934
R.C.II

Legis 17-34-1

A copy of the undermentioned paper is forwarded with compliments to the Chief Secretary to the Government of His Highness the Maharaja of Mysore, for information.

Rec 4/8/34

Dsk 4/8/34

By order, etc.,

ASSISTANT SECRETARY TO THE RESIDENT.

Proceedings of the Government of Madras, Law (General) Department, No.1741, dated the 7th June 1934.

Offic... Finct ... JIL 1066 BJ 31/7

Dne 7/8

Sub Gen Secretariat.

The new Madras rules make the D.S.P the licensing authority instead of the Dt Magte & provide for appeals from decisions of D.S.Ps & Dt Magtes in the matter of granting & refusing such licenses.

(Secy) Dsk 8/8

First number.

B 11/8/34

Cmn. 10-8-34

by WB

Cmn. 8-8-34

Dsk 9.8

Government of Madras

LAW (GENERAL) DEPARTMENT

G.O. No. 1741, 7th June 1934

Motor Vehicles Rules—Issue of 'G' Permits, etc.—Transfer of powers to District Superintendents of Police—Final orders passed and amendments to rules issued.

Order—No. 1741, Law (General), dated 7th June 1934.

The appended notification will be published in the *Fort St. George Gazette*.

(By order of the Governor in Council)

D. H. BOULTON,
Deputy Secretary to Government.

To the Board of Revenue (Land Revenue and Settlement).
,, all District Magistrates.
,, the Inspector-General of Police.
,, the Commissioner of Police.
,, the Mayor, Corporation of Madras (with C.L.).
,, the Secretary, Automobile Association of Southern India, P.B. No. 352, Mount Road, Madras.
,, the Secretary, Madras Motor Vehicles Importers and Allied Merchants' Association, Madras.
,, the Secretary, Motor Bus-Owners' Association, Madras.
,, Messrs. Directories and Agencies, Limited, 11, Mount Road, Madras.
,, the President, Madras Transport Workers' Union, Madras.
,, all Translators to Government (6 copies).
,, the Superintendent, Government Press, for publication and to send 20 copies of the notification and to issue correction slips (2 copies of the Government Order).
,, the Law (Drafting) Department.
,, the Public (Police) Department.
,, the Local Self-Government Department with spare copies for communication to Presidents of all District Boards.
,, the Finance Department.
,, the Revenue Department.
,, the Commander, Madras District (with C.L.).
,, the Government of India, Home Department (with C.L.).
,, the Chief Commissioner of Coorg (with C.L.) (with reference to the correspondence ending with this Department's letter No. 4595 A-I, dated 16th November 1933).
,, all Local Governments and Administrations except to the Resident at Baroda (with C.L.).

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Government of Tamilnadu
LAW (GENERAL) DEPARTMENT

APPENDIX

NOTIFICATION

In exercise of the powers conferred by section 11 of the Indian Motor Vehicles Act, 1914 (VIII of 1914), the Governor in Council is hereby pleased, with effect on and from the 1st day of July 1934, to make the following amendments to the Madras Motor Vehicles Rules, 1923, published with Law (General) Department notification No. 209 at pages 327, et seq., of Part I of the *Fort St. George Gazette*, dated the 20th March 1923, as subsequently amended :—

AMENDMENTS.

I. In the said rules—

(i) in rules 16, 17, 18, 25 and 25-B for the words, 'District Magistrate' wherever they occur, the words 'District Superintendent of Police, shall be substituted;

(ii) in rule 27-D, for the words 'District Magistrates,' the words 'the District Superintendents of Police' shall be substituted;

(iii) in Form G annexed thereto, for the words 'District Magistrate' wherever they occur, the words 'District Superintendent of Police'; for the words 'or Magistrate' in condition (2-B), the words 'or Superintendent'; and for the words 'District Magistrates' in condition (4) in both the places where they occur, the words 'District Superintendents of Police' shall be substituted; and

(iv) in Form I annexed thereto, for the words 'District Magistrate,' the words 'District Superintendent of Police' shall be substituted.

II. For rule 8-B of the said rules, the following rules shall be substituted, namely :—

"8-B. (1) Any person aggrieved by an order under rule 8-A refusing to cancel a certificate of registration may appeal against such order—

(i) if such order be made by the Commissioner of Police, to the Local Government; and

(ii) if such order be made by a District Superintendent of Police, to the District Magistrate.

(2) No appeal shall be entertained under sub-rule (1) unless it is presented within one month from the date of the order appealed against.

(3) Notwithstanding anything contained in sub-rules (1) and (2), the Local Government may at any time of their own motion vary or cancel any order made under rule 8-A or sub-rule (1) of this rule.

III. For sub-rule (4) of rule 20 of the said rules, the following sub-rule shall be substituted, namely :—

"(4) (i) Any person aggrieved by an order under sub-rule (3) refusing to renew a licence may appeal against such order—

(*a*) if such order be made by the Commissioner of Police, to the Local Government; and

(*b*) if such order be made by a District Superintendent of Police, to the District Magistrate.

(ii) No appeal shall be entertained under clause (i) unless it is presented within one month from the date of the order appealed against.

(iii) Notwithstanding anything contained in clauses (i) and (ii), the Local Government may at any time of their own motion vary or cancel any order made under this rule."

IV. For rules 22-A and 22-B of the said rules, the following rules shall be substituted, namely :—

"22-A. Any driving licence granted under these rules may be suspended or cancelled by the licensing authority.

22-B. (1) Any person aggrieved by an order under rule 22-A suspending or cancelling a licence may appeal against such order—

(i) if such order be made by the Commissioner of Police, to the Local Government; and

(ii) if such order be made by a District Superintendent of Police, to the District Magistrate.

(2) No appeal shall be entertained under sub-rule (1) unless it is presented within one month from the date of the order appealed against.

(3) Notwithstanding anything contained in sub-rules (1) and (2), the Local Government may at any time of their own motion vary or cancel any order made under rule 22-A or sub-rule (1) of this rule."

V. In sub-rule (*a*) of rule 30 of the said rules—

(i) For clause (1) the following clause shall be substituted, namely :—

"(1) (i) No motor vehicle shall be let or plied for hire in any local area or along any public road in the Presidency of Madras, unless the registered owner of such vehicle has obtained a special permit in respect thereof from the licensing authority in Form G annexed to these rules or otherwise than in accordance with the conditions specified in such permit. Such permit shall be granted by the Commissioner of Police in the City of Madras and by the District Superintendent of Police elsewhere. The permit shall not be granted to any person, unless in the opinion of the Commissioner of Police or the District Superintendent of Police, as the case may be, such person is a fit and proper person to hold the permit. The registered owner who obtains the permit is hereinafter in these rules referred to as the holder of such permit.

(ii) No permit shall be granted or renewed unless the applicant produces satisfactory evidence that he has obtained the licence under the Madras Motor Vehicles Taxation Act, 1931, and the licence or licences required under section 166 of the Madras Local Boards Act, 1920, or section 174-A of the Madras District Municipalities Act, 1920, or both, as the case may be, and that such licence or licences will be in force on the date on which the 'G' Permit will take effect.

(iii) If during the currency of a 'G' Permit, any of the licences referred to in sub-clause (ii) ceases to be in force, the licensing authority may, after giving notice to the holder of the 'G' permit, suspend or cancel such permit," and

(ii) for clauses (4) and (5), the following clauses shall be substituted, namely :—

"(4) The 'G' Permit may be suspended or cancelled by the licensing authority for any breach of its conditions or for any infringement of the provisions of any Act or of any rule having the force of law.

(5) Where a 'G' Permit has been cancelled or suspended, the holder thereof shall forthwith return it to the licensing authority.

(6) Any person aggrieved by an order of a District Superintendent of Police refusing to grant or renew a 'G' Permit under clause (1) or suspending or cancelling a 'G' Permit under clause (4) may appeal against such order to the District Magistrate :

Provided that no appeal shall be entertained unless it is presented within one month from the date of the order appealed against."

VI. In rule 30 (i) of the said rules, the figure and letter '4-A' shall be omitted and for the figure '7' the figure '6' shall be substituted.

VII. (i) In sub-rule (2) of rule (1) of the said rules, after clause (*d*), the following clause shall be inserted, namely :—

"(*dd*) 'Commissioner of Police' includes any Police officer authorized by the Commissioner under rule 43 to exercise all or any of the functions assigned to him."

(ii) After rule 42 of the said rules, the following heading and rule shall be added, namely :—

Delegation of functions.

"43. The Commissioner of Police, Madras, may by order in writing authorize any Police Officer in the City of Madras not below the rank of Assistant Commissioner of Police, to exercise all or any of the functions assigned to him under these rules and may, by like order, revoke such authority.

VIII. In Form G annexed to the said rules, condition (6) shall be omitted and conditions (7) to (13) renumbered (6) to (12) respectively.